



DEPARTMENT OF TRANSPORTATION

[DOCKET: DOT-OST-2013-0074]

Agency Information Collection; Activity Under OMB Review: Foreign Air Carrier

Application for Statement of Authorization, ICR-2106-0035

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Notice and request for comments; Request OMB Clearance for extension of a currently approved information collection, Foreign Air Carrier Application for Statement of Authorization.

SUMMARY: In compliance with the Paperwork Reduction Act, this notice announces that the Information Collection Request, abstracted below, is being forwarded to the Office of Management and Budget for extension of approval of currently approved ICR-2106-0036, Foreign Air Carrier Application for Statement of Authorization. Earlier, a *Federal Register* Notice with a 60-day comment period was published on August 12, 2022. The agency received one comment from Bakersfield College – Britain Cambridge State University stating, “Thank you”.

DATES: Written comments should be submitted by January 8, 2023.

ADDRESSES: Comments should be sent to OMB at the address that appears below and should identify the associated OMB Approval Number 2106-0035 and Docket DOT-OST- 2013-0074.

FOR FURTHER INFORMATION CONTACT: Darren Jaffe, (202) 366-2512, Office of International Aviation, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Room W86-441, Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2106-0035

Title: Foreign Air Carrier Application for Statement of Authorization

Form No.: Form OST 4540

Type of Review: Extension of a currently approved collection

Respondents: Foreign Air Carriers

Number of Respondents: approximately 100

Estimated Time per Response: 2.25 hours per application

Total Annual Burden: 1,000 hours

Abstract: Applicants use Form OST 4540 to request statements of authorization to conduct numerous types of operations authorized under Title 14, CFR Part 212. The form requires basic information regarding the carrier(s) conducting the operation, the party filing the form, the operations being conducted, the number of third- and fourth-freedom flights conducted in the last twelve-month period, and certification of reciprocity from the carrier's homeland government. DOT analysts will use the information collected to determine if applications for fifth-freedom operations meet the public interest requirements necessary to authorize such applications.

Burden Statement: We estimate that the industry-wide total hour burden for this collection to be approximately 1,000 hours or approximately 2.25 hours per application. Conservatively, we estimate the compilation of background information will require 1.75 hours, and the completion and submission of OST Form 4540 will require thirty (30) minutes. Reporting the number of third- and fourth-freedom operations conducted by an applicant carrier will require collection of flight data, and detailed analysis to determine which flights conducted by the carrier are third- and fourth-freedom. Applicants should be able to use data collected for the Department's T-100 program to provide this information (under this program, carriers are required periodically to compile and report certain traffic data to the Department, as more fully described in the Docket referenced in footnote 1 below). The Bureau of Transportation Statistics (BTS) provide carriers with a computer program that allows them to compile and monitor, among other things, flight

origin and destination data, to be used in making the carriers' T-100 submissions.¹

We estimated that carriers will require 1.25 hours per application² to compile and analyze the data necessary to disclose the number of third- and fourth-freedom flights conducted within the twelve-month period preceding the filing of an application.

Foreign carriers will also have to provide evidence that their homeland government will afford reciprocity to U.S. carriers seeking authority for the similar fifth-, sixth- and seventh-freedom operations. Carriers may cite certifications submitted by carriers from the same homeland if that homeland issued such certification within the preceding six-month period. Approximately 100 carriers from roughly 30 distinct homelands use OST Form 4540 to apply for statements of authorization annually. We estimate that one foreign carrier from any given homeland will expend roughly 4 hours every six-months to obtain certification from its homeland governments.³

We have apportioned 30 minutes to each application to account for the time required to obtain certifications from homeland governments.

We have no empirical data to indicate how much time is required for a person to complete OST Form 4540; however, anecdotal evidence reveals that respondents spend thirty (30) minutes or less completing the form and brief justification. In some cases, respondents spend a limited amount of time, less than ten (10) minutes, reviewing the form before sending it via facsimile or email to the Department. In the interest of providing a conservative estimate so as to not understate the burden hours, we estimate the hour burden for completing OST Form 4540 as thirty (30) minutes.

¹ The rule-making associated with the T-100 program can be found on the Federal Docket Management System (FDMS) at <https://www.regulations.gov>, in Docket DOT-OST-1998-4043. Information regarding burden hours is on file in the Office of Aviation Analysis (X-50).

² The Office of Aviation Analysis (X-50) estimated that small-carriers would require 1 burden hour per report, and large carriers would require 3 burden hours per report to analyze and report T-100 program data. Considering that the data required in this information collection can be derived from data already collected, we have taken an average of the estimated time required, and conservatively shortened the time by 45 minutes because no new data entry will be required.

³ Calculation: (4 burden hours per application) x (30 foreign homelands) x (2 requests per year) = 240 annual burden hours. Apportioning 240 annual burden hours equally among an average of 430 applications annually = approximately 30 burden minutes per application.

Issued in Washington, DC on December 8, 2022.

Benjamin J. Taylor,

Director, Office of International Aviation.

[FR Doc. 2022-27072 Filed: 12/13/2022 8:45 am; Publication Date: 12/14/2022]